

DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2003 OCT -6 P 12: 23

BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS,
SURVEYORS, AND LANDSCAPE ARCHITECTS
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	ENG-LIC-2003-1
Application for an)	
Architectural License of)	BOARD'S FINAL
)	ORDER
LESTER NG,)	
)	
Petitioner.)	
_____)	

BOARD'S FINAL ORDER

On May 27, 2003, the duly appointed Hearings Officer submitted his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects ("Board"). Copies of the Hearings Officer's recommended decision were also sent to the parties. Although the parties were provided an opportunity to file exceptions, no exceptions were filed.

Upon review of the entire record of these proceedings, the Board adopts the Hearings Officer's recommended decision as the Board's Final Order. Accordingly, the Board reaffirms its denial of Petitioner's application for an architectural license.

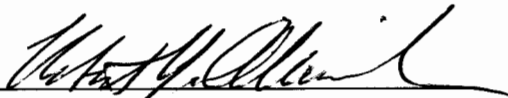
DATED: Honolulu, Hawaii, June 12, 2003 _____.

Laurel Mau Nahme
LAUREL MAU NAHME
Chairperson



ARNALDO E. PREPOSE
Vice-Chairperson

KEN OTA
Secretary



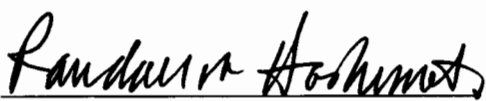
ROBERT AKINAKA
Board Member

RUSSELL Y. J. CHUNG
Board Member

ALFREDO EVANGELISTA
Board Member




THEODORE E. GARDUQUE
Board Member



RANDALL M. HASHIMOTO
Board Member

KEN K. HAYASHIDA
Board Member



LESTER H. INOUE
Board Member

JAY ISHIBASHI
Board Member

WALLACE T. OKI
Board Member



OSCAR PORTUGAL
Board Member



CAROL S. SAKATA
Board Member



RECEIVED
MAY 27 2003

2003 MAY 27 A 9:16

BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS,
SURVEYORS, AND LANDSCAPE ARCHITECTS
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	ENG-LIC-2003-1
Application for an)	
Architectural License of)	HEARINGS OFFICER'S
)	FINDINGS OF FACT,
LESTER NG,)	CONCLUSIONS OF LAW,
)	AND RECOMMENDED ORDER
Petitioner.)	
_____)	

HEARINGS OFFICER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND RECOMMENDED ORDER

I. INTRODUCTION

On or about November 29, 2002, Lester Ng ("Petitioner"), filed a request for a contested case hearing with the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects ("Board"), to contest the denial of his application for an architectural license. Petitioner's request for hearing was received by the Office of Administrative Hearings on January 7, 2003, and the matter was duly set for hearing. The notice of hearing and pre-hearing conference was transmitted to the parties.

On May 15, 2003, the hearing was commenced by the undersigned Hearings Officer, pursuant to Hawaii Revised Statutes (HRS), Chapters 91, 92 and 464. Petitioner was not present; nor was anyone present on his behalf. The Department of Commerce and Consumer Affairs ("Respondent") was represented by its attorney, Lawrence K. Kamakawiwoole, Esq.

Having reviewed and considered the evidence and argument presented at the hearing, together with the entire record in this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law, and recommended order.

II. FINDINGS OF FACT

1. On or about November 29, 2002, Petitioner requested an administrative hearing with the Board to contest the denial of his application for an architectural license.

2. Petitioner's request for hearing was received by the Office of Administrative Hearings on January 7, 2003, and the matter was duly set for hearing. The notice of hearing and pre-hearing conference was transmitted to the parties.

3. On May 15, 2003, the hearing was commenced by the undersigned Hearings Officer. Petitioner was not present; nor was anyone present on his behalf even though the hearing was delayed approximately ten minutes to await the arrival of Petitioner. Respondent's attorney was present and was prepared to present his case.

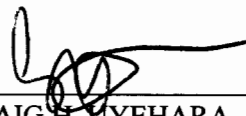
III. CONCLUSIONS OF LAW

Petitioner, as the party contesting the Board's determination, has the burden of proving by a preponderance of the evidence that the Board erred in denying his application for an architectural license. Neither Petitioner nor anyone on his behalf appeared at the hearing to present evidence to support this appeal. Accordingly, the Hearings Officer finds and concludes that Petitioner has not proven by a preponderance of the evidence that the Board erred in denying his application.

IV. RECOMMENDED ORDER

For the reasons set forth above, the Hearings Officer recommends that the Board reaffirm its denial of Petitioner's application for an architectural license.

DATED: Honolulu, Hawaii: MAY 27 2003



CRAIG H. UYEHARA
Administrative Hearings Officer
Department of Commerce
and Consumer Affairs